

**REMARKS****Summary of the Office Action**

Claims 5, 7-9, 20 and 23-24 stand rejected under 35 U.S.C. § 101 because these claims are allegedly directed to an information record medium storing nonfunctional descriptive material.

Claims 10, 12-15, 17-19, 21-22 and 25-28 are allowed.

**Summary of the Response to the Office Action**

Applicants have amended claims 5, 10, 15, 23, 25 and 27 to improve the form of the claims. Accordingly, claims 5, 7-10, 12-15 and 17-28 remain currently pending for consideration.

**Rejection under 35 U.S.C. § 101 and Summary of Examiner Interview**

Claims 5, 7-9, 20 and 23-24 stand rejected under 35 U.S.C. § 101 because the claims are allegedly directed to an information record medium storing nonfunctional descriptive material.

Examiner Jamie Vent is thanked for the courtesies extended to Applicants' undersigned representative in telephone interviews held on February 28, 2007, March 7, 2007, and March 28, 2007. The first of these particular telephone interviews was held on February 28, 2007 during which Applicants' undersigned representative contacted Examiner Vent to discuss the reasons why the previously-applied rejection of claims 5, 7-9, 20 and 23-24 under 35 U.S.C. § 101 was maintained in the Office Action dated December 1, 2006. Applicants' undersigned representative noted that Applicants were surprised that this rejection was re-applied in light of

the fact that these issues were believed to be previously resolved by detailed discussions between Examiner Jamie Vent and Applicants' undersigned representatives in a previous telephone interview conducted on June 26, 2006 in this application. See the Amendment under 37 C.F.R. § 1.116 filed on July 13, 2006 in this application for a detailed summary of that June 26, 2006 telephone interview. During that previous telephone interview Examiner Vent had suggested a specific approach to Applicants regarding changes to the rejected claims that the Examiner indicated would likely resolve the outstanding issues under 35 U.S.C. § 101. Even though Applicants proceeded with these suggested changes in an Amendment filed on July 13, 2006, the following occurred. First, Applicants were still required to file a Request for Continued Examination ("RCE") on September 15, 2006 to have the changes filed on July 13, 2006 entered. Second, the rejections under 35 U.S.C. § 101 were surprisingly reapplied in the Office Action dated December 1, 2006 after the RCE was filed.

Accordingly, in the telephone interview held on February 28, 2007, Applicants' undersigned representative reiterated arguments, such as those that were filed on November 10, 2005 and July 13, 2006 in the previously-submitted remarks in this application, in support of Applicants' assertion that the rejections under 35 U.S.C. § 101 should be withdrawn. Applicants' undersigned representative indicated that the rejected claims fully comply with 35 U.S.C. § 101. As a result, Applicants' undersigned representative reached agreement with Examiner Vent that that Examiner Vent would request a review of the rejected claims by the USPTO's 35 U.S.C. § 101 Examining Panel.

Examiner Vent responded by telephone to Applicants' undersigned representative's request for status on March 7, 2007. During that call, the Examiner indicated that the claims

allegedly had multiple issues under 35 U.S.C. § 101. Applicants' undersigned representative began to substantively traverse these assertions with Examiner Vent. Examiner Vent then indicated that she would like to call in Supervisory Examiner Andrew Koenig to join in on this discussion. The discussion later continued on March 7, 2007 between Applicants' undersigned representative, Examiner Vent, and Examiner Koenig. During that discussion, Applicants' undersigned representative became aware that the 35 U.S.C. § 101 Examining Panel had not yet been consulted with regard to the rejected claims. Accordingly, Applicants' undersigned representative requested that the panel be consulted because the claims appear to Applicants to fully comply with 35 U.S.C. § 101 in their current form.

Examiner Jamie Vent responded to Applicants' undersigned representative's telephone messages requesting the current status of this application with a telephone call on March 28, 2007. During that call, Examiner Vent indicated to Applicants' undersigned representative that the USPTO's 35 U.S.C. § 101 Examining Panel had now reviewed the rejected claims and the Panel had determined that the claims were in fact statutory.

Accordingly, for at least the foregoing reasons, withdrawal of the outstanding rejections under 35 U.S.C. § 101 is respectfully requested.

#### **Newly-Implemented Amendments to the Independent Claims**

During the telephone discussion on March 28, 2007 with Examiner Vent, Applicants' undersigned representative discussed particular amendments that Applicants would like to implement to each of the independent claims of this application to improve the form and readability of the claims. In particular, Applicants' undersigned representative explained, in

connection with Fig. 8 of the instant application, that the lead-out area (LO), lead-in area (LI) and mid areas (M) are areas that exist, or are formed on the disc. However, these areas are not necessarily recorded by the recording apparatus discussed in the specification of the instant application. On the other hand, the video manager (VMG) and the data groups (VTS1, VTS2, VTS3, VTS4 and VTS5), for example, are recorded on the information record medium by the recording apparatus. See, for example, page 36, line 14 – page 37, line 6, and page 38, line 11 – page 39, line 9 of the instant application's specification in this regard.

Examiner Vent appeared to understand this explanation during the March 28, 2007 telephone discussion. Applicants' undersigned representative offered to forward by facsimile a proposed set of these claim amendments for further discussion. Examiner Vent indicated that a better approach would be to simply proceed with implementing the changes in a formal response. Accordingly, Applicants have decided to proceed in this way.

### **CONCLUSION**

In view of the foregoing, Applicants respectfully submit that the pending claims are in condition for allowance, and respectfully request the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. In light of the extensive prosecution time that has passed to date in this application, as detailed in the foregoing remarks, Applicants would appreciate it if the Examiner would place a telephone call to Applicants' undersigned representative at 202-842-8812 in the event that the

Examiner deems that any issues still remain outstanding with regard to the instant application. A favorable action is awaited.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

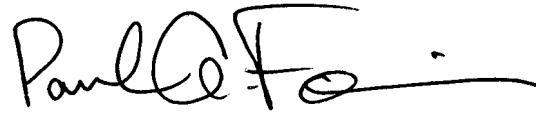
This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**DRINKER BIDDLE & REATH LLP**

Dated: April 4, 2007

By:



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